

ZB# 94-9

John & Ellen Barbano

70-1-14

Melvin,

April 25, 1994.

Need Photos 4

Need 27

List rec'd. 5/3/94. Notice to
Sentenced 5/3/94.

Public Hearing:

May 23, 1994.

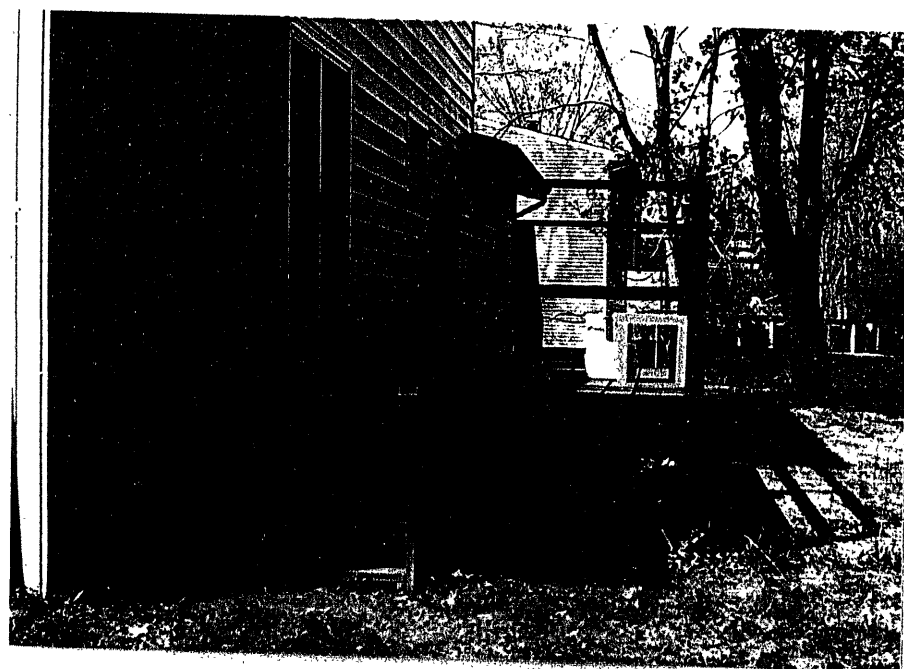
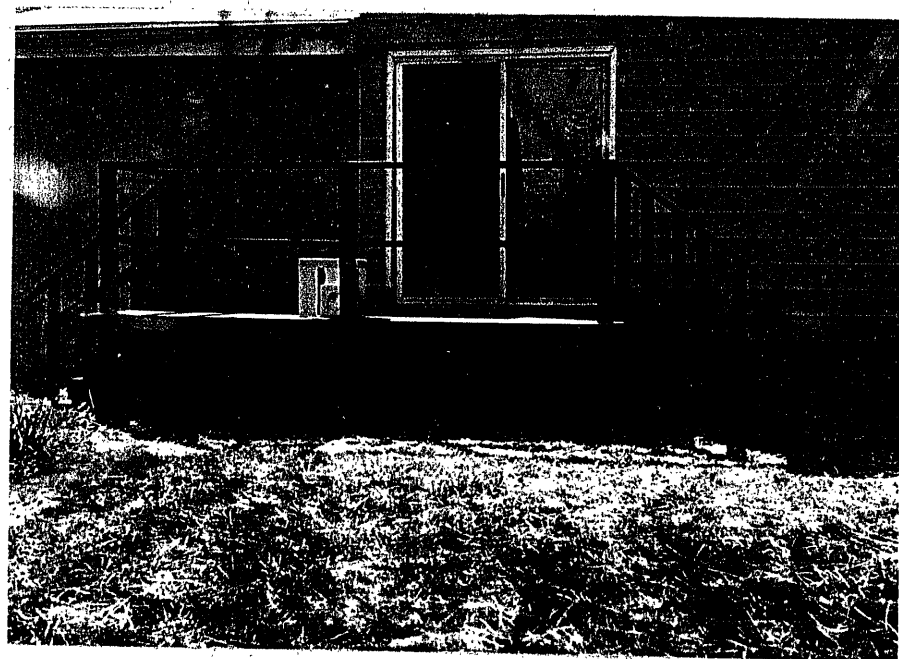
Fees: \$50.00 } paid
292.00 } ck.

5/6/94. # 3399
3400

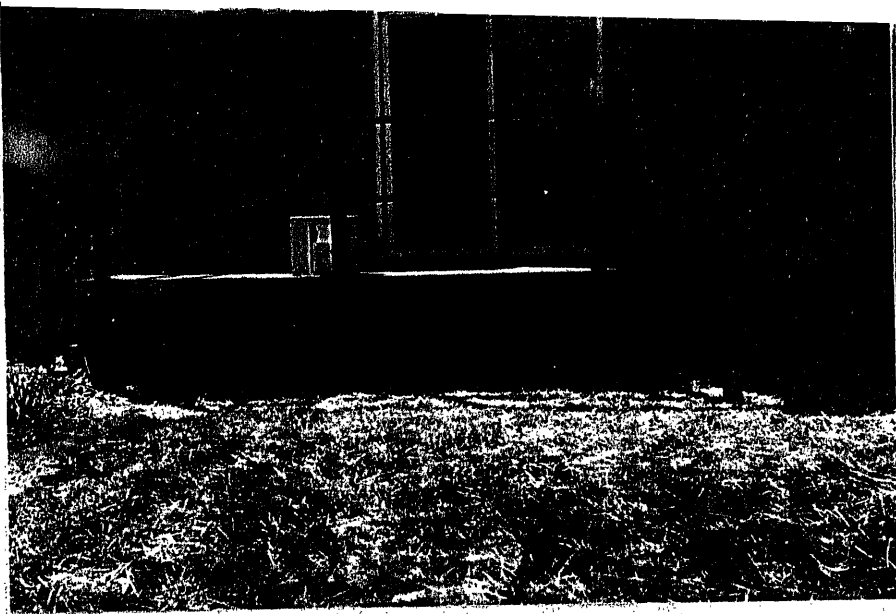
Application
for area
variance
Granted
5/23/94.

Draft F. Done

#94-9- Barbaro, John & Ellen



CO#209 - Dr. Paul French



TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, NY 12550

GENERAL RECEIPT

May 6 14013
19 94

Received of John Barbard \$ 50.00
Fifty and 00/100 DOLLARS

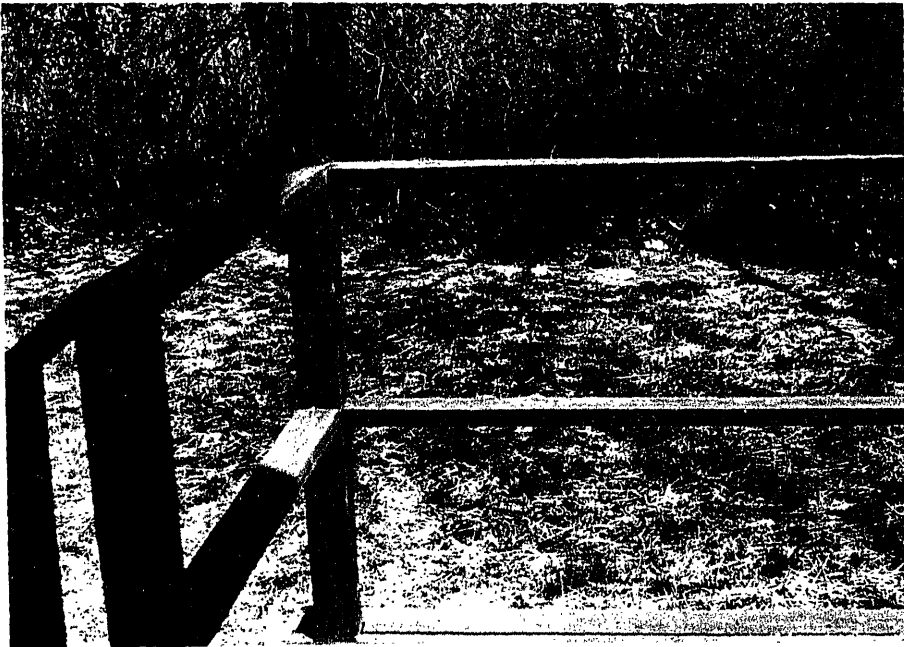
For 30A # 94-9

DISTRIBUTION:

FUND	CODE	AMOUNT
CD # 3400		50.00

By Dorothy H. Hopper
Town Clerk

Title



JOHN BARBARO
6 TRUEX DRIVE
NEW WINDSOR, NY 12550

3399
50-7936/2219

5/5 19 94

PAY TO THE
ORDER OF

Town of New Windsor \$ 292.00

Two Hundred and Ninety Two and 00/100 DOLLARS



PO BOX 1150 Poughkeepsie NY 12601 514-463-3011

MEMO

Variance #94-9-28A

John Barbaro

⑆221979363⑆0804345009⑆

3399

JOHN BARBARO
6 TRUEX DRIVE
NEW WINDSOR, NY 12550

3400
50-7936/2219

5/5 19 94

PAY TO THE
ORDER OF

Town of New Windsor \$ 50.00

Fifty and 00/100 DOLLARS



PO BOX 1150 Poughkeepsie NY 12601 514-463-3011

MEMO

Bareilly permit 284

94-9-284

John Barbaro

⑆221979363⑆0804345009⑆

3400

-----X
In the Matter of the Application of

JOHN BARBARO,

DECISION GRANTING
AREA VARIANCE#94-9.

-----X

WHEREAS, JOHN BARBARO, 6 Truex Drive, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a 8 ft. rear yard variance for an existing deck at residential dwelling located in an R-4 zone; and

WHEREAS, a public hearing was held on the 23rd day of May, 1994, before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, applicant and his wife appeared in behalf of the application and spoke in support of the application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, the application was unopposed; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of fact in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel Sentinel, also as required by law.

2. The evidence shows that applicant is seeking permission to vary the provisions of the bulk regulations pertaining to rear yard in order to allow an existing deck to remain in its present location at the residential parcel in an R-4 zone.

3. The evidence presented by the applicant substantiated the fact that a variance for less than the allowable rear yard would be required in order for applicant to obtain a certificate of occupancy for the existing deck located at the applicant's residential dwelling.

4. The evidence presented by the applicant showed that this was the only area upon which they could locate a deck being immediately adjacent to the back door. The deck is small in size and is the smallest deck in the neighborhood. Further, the deck is necessary for the safety of residents coming out of the premises and was in keeping with the neighborhood.

5. The evidence presented by the applicant substantiated the fact that the impact of this deck on the neighboring properties is not great since many other residential neighbors have decks, all of which are larger than that of this applicant and that immediately behind this property is commercial property

which would be unaffected by this deck.

6. The evidence presented by the applicant substantiated the fact that the deck could not be located in a conforming manner since the applicant does not own sufficient property to allow that.

7. It is the finding of the Board that this requested variance, if granted, will not blight the proper and orderly development and general welfare of the community since many of the residential dwellings located in the immediate area also have decks of comparable or larger dimensions.

8. It is the finding of this Board that the applicant's existing deck has not had and will not have an adverse impact on property values in the neighborhood.

9. The evidence presented by the applicant further substantiated the fact that the requested variance, if granted, will not have a negative impact on the physical or environmental conditions in the neighborhood since the deck enhances the residential dwelling and appears to be typical of this neighborhood and thus will not detract from other neighboring properties.

10. It is the finding of this Board that the proposed variance will not adversely impact the public health, safety and welfare of the neighborhood or community.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law in this matter:

1. The requested variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to applicant which can produce the benefit sought other than the variance procedure.

3. The requested variance is not substantial in relation to the town regulations.

4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the applicant faces in conforming to the bulk regulations is a self-created one since the deck was apparently built without a building permit or certificate of occupancy issued by the town. This self-created hardship does not, however, outweigh the physical hardship presented by the land and the smallness thereof.

6. It is the finding of this Board that the benefit to the applicant, if the requested area variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant.

7. It is the further finding of this Board that the requested area variance is the minimum variance necessary and adequate to allow the applicant relief from the requirements of the bulk regulations and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variance.

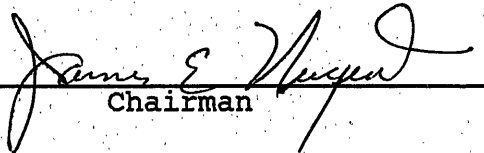
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT an 8 ft. rear yard variance for an existing deck at the above location in an R-4 zone, as sought by applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: June 27, 1994.


Chairman

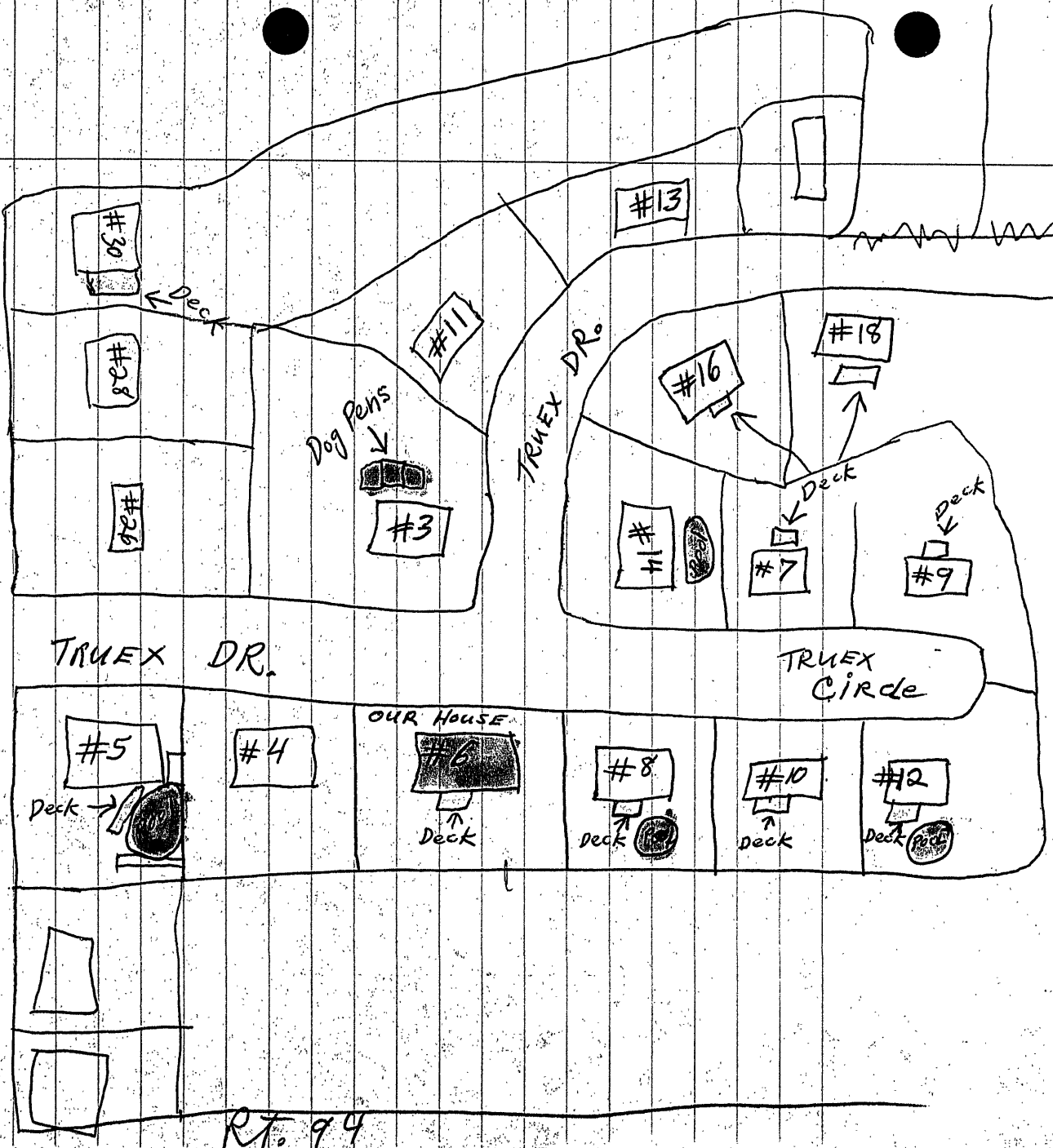
(ZBA DISK#12-061594.jb)

Marshall DR.

TRUEX DR.

TRUEX Circle

OUR HOUSE



Rt. 99

Rec'd. ZBA
5/12/94 (PAB)

RF,

Joan A. Shedden
P.O. Box 608A
Vails Gate, N.Y. 12584

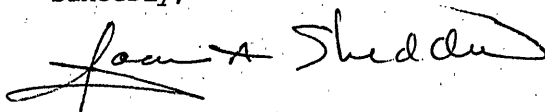
May 9, 1994

John and Ellen L. Barbaro
6 Truex Dr.
New Windsor, N.Y. 12553-5202

Dear Mr. and Mrs. Barbaro:

Concerning your hearing on May 23, 1994 in reference to a variance of the Zoning Local Law, section 48-12-Table of use/Bulk Col.G., I have no objection, if it is existing and same use is to continue. (existing deck)

Sincerely;



Joan A. Shedden

Prelim
Meeting
94-9

OFFICE OF THE BUILDING INSPECTOR - TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: APRIL 22, 1994

Ellen Barbaro -
565-4882

APPLICANT: JOHN BARBARO
6 TRUEX DRIVE
NEW WINDSOR, N.Y. 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED: APRIL 22, 1994
FOR (BUILDING PERMIT): FOR EXISTING 8FT. X 12FT. DECK
LOCATED AT: 6 TRUEX DRIVE

ZONE: R-4

DESCRIPTION OF EXISTING SITE: SECTION: 70, BLOCK: 1, LOT: 14
ONE FAMILY HOUSE

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. INSUFFICIENT REAR YARD SET-BACK.

Robert Lisi
BUILDING INSPECTOR

REQUIREMENTS	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE: R-4	USE G-10	
MIN. LOT AREA		
MIN. LOT WIDTH		
REQ'D FRONT YD		
REQ'D SIDE YD		
REQ'D TOTAL SIDE YD		
REQ'D REAR YD.	40FT.	32FT. 8FT.

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT
914-563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD

CC: Z.B.A., APPLICANT, B.P. FILES.

Need VARIANCE

IMPORTANT

REQUIRED INSPECTIONS OF CONSTRUCTION - YOU MUST CALL FOR THESE

OTHER INSPECTIONS WILL BE MADE IN MOST CASES, BUT THOSE LISTED BELOW MUST BE MADE OR CERTIFICATE OF OCCUPANCY MAY BE WITHHELD. DO NOT MISTAKE AN UNSCHEDULED INSPECTION FOR ONE OF THOSE LISTED BELOW. UNLESS AN INSPECTION REPORT IS LEFT ON THE JOB INDICATING APPROVAL OF ONE OF THESE INSPECTIONS, IT HAS NOT BEEN APPROVED, AND IT IS IMPROPER TO CONTINUE BEYOND THAT POINT IN THE WORK. ANY DISAPPROVED WORK MUST BE REINSPECTED AFTER CORRECTION.

1. WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).
2. FOUNDATION INSPECTION. CHECK HERE FOR WATERPROOFING AND FOOTINGS DRAINS.
3. INSPECT GRAVEL BASE UNDER CONCRETE FLOORS, AND UNDERSLAB PLUMBING.
4. WHEN FRAMING IS COMPLETED, AND BEFORE IT IS COVERED FROM INSIDE, AND PLUMBING ROUGH-IN.
5. INSULATION.
6. PLUMBING FINAL & FINAL HAVE ON HAND ELECTRICAL INSPECTION DATA AND FINAL CERTIFIED PLOT PLAN. BUILDING IS TO BE COMPLETED AT THIS TIME. WELL WATER TEST REQUIRED AND ENGINEERS CERTIFICATION LETTER FOR SEPTIC SYSTEM REQUIRED.
7. DRIVEWAY INSPECTION MUST MEET APPROVAL OF TOWN HIGHWAY INSPECTOR. A DRIVEWAY BOND MAY BE REQUIRED.
8. \$20.00 CHARGE FOR ANY SITE THAT CALLS FOR THE INSPECTION TWICE.
9. PERMIT NUMBER MUST BE CALLED IN WITH EACH INSPECTION.
10. THERE WILL BE NO INSPECTIONS UNLESS YELLOW PERMIT CARD IS POSTED.
11. SEWER PERMITS MUST BE OBTAINED ALONG WITH BUILDING PERMITS FOR NEW HOUSES.
12. SEPTIC PERMIT MUST BE SUBMITTED WITH ENGINEER'S DRAWING & PERC TEST.
13. ROAD OPENING PERMITS MUST OBTAINED FROM TOWN CLERKS OFFICE.
14. ALL BUILDING PERMITS WILL NEED A CERTIFICATION OF OCCUPANCY OR A CERTIFICATE OF COMPLIANCE AND THERE IS A FEE FOR THIS

Name of Owner of Premises..... John W. BARBARO
Address..... 6 TRUAX Drive..... Phone..... 565-4882
Name of Architect..... SAME AS ABOVE
Address..... Phone.....
Name of Contractor..... SAME AS ABOVE
Address..... Phone.....
State whether applicant is owner, lessee, agent, architect, engineer or builder..... YES
If applicant is a corporation, signature of duly authorized officer:.....

.....
(Name and title of corporate officer)

1. On what street is property located? On the..... NORTH..... side of..... TRUAX.....
(N S or W)

- Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

Existing Deck

TOWN OF NEW WINDSOR, ORANGE COUNTY, N. Y.

Examined.....19.....
Approved.....19.....
Disapproved a/c.....
Permit No.

Office Of Building Inspector
Michael L. Babcock
Town Hall, 555 Union Avenue
New Windsor, New York 12550
Telephone 565-8807

Refer:-

Planning Board.....
Highway.....
Sewer.....
Water.....
Zoning Board of Appeals

APPLICATION FOR BUILDING PERMIT

Pursuant to New York State Building Code and Town Ordinances

Date.....19.....

INSTRUCTIONS

- This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
- This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- The work covered by this application may not be commenced before the issuance of a Building Permit.
- Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions or alterations, or for removal or demolition or use of property, as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

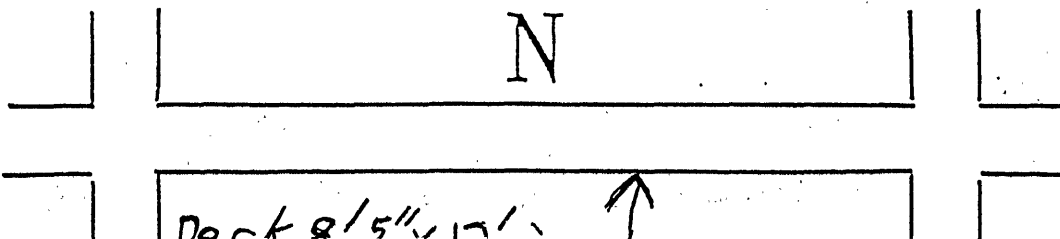
[Signature]
(Signature of Applicant)

G. Truex Dr. New Windsor, NY 12553
(Address of Applicant)

PLOT PLAN

NOTE: Locate all buildings and indicate all set-back dimensions.

Applicant must indicate the building line or lines clearly and distinctly on the drawings.



Planning Board.....
Highway.....
Sewer.....
Water.....
Zoning Board of Appeals

Pursuant to New York State Building Code and Town Ordinances

Date.....19.....

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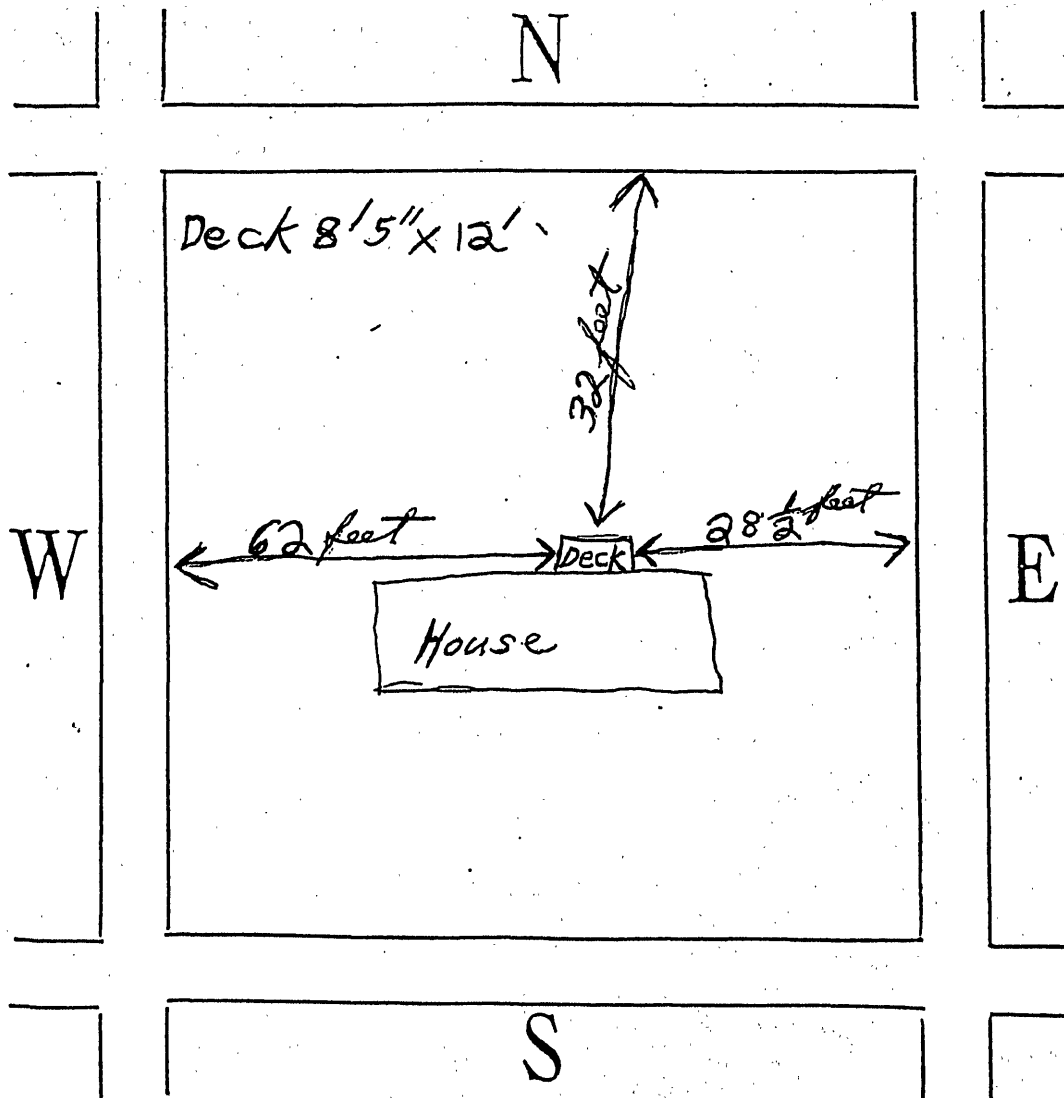
J. A. Barber
(Signature of Applicant)

6 TRUX DR NEW WINDSOR, NY 12553
(Address of Applicant)

PLOT PLAN

NOTE: Locate all buildings and indicate all set-back dimensions.

Applicant must indicate the building line or lines clearly and distinctly on the drawings.



SECTION 69

SECTION 37

TOWN OF CORNWALL

ALL NEWBURGH SCHOOL DISTRICT
111 JAIL'S GATE FIRE C.S.M.C.T

Prepared by
AERO SERVICE
COMPENSATION
A DIVISION OF AERONAUTICS
NEW YORK, N.Y. 10018
FOR TAX PURPOSES ONLY
NOT TO BE USED FOR CONVEYANCE

LEGEND			
STATE OR COUNTY LINE	FILED PLAN LOT LINE	TAX MAP BLOCK NO.	FILED PLAN BLOCK NO.
CITY TOWN OR VILLAGE	SETBACK LINE	TAX MAP PARCEL NO.	FILED PLAN LOT NO.
BLOCK & SECTION LINE	WATCH LINE	AREA	STATE HIGHWAYS
SPECIAL DISTRICT LINE	STREAMS	DIMENSIONS	COUNTY HIGHWAYS
PROPERTY LINE			TOWN ROADS

ORANGE COUNTY-NEW YORK

Photo No. 8-492,498 Date of Map 8-24-67
Date of Photo 3-1-65 Date of Revision 8-1-61
Scale 1" = 100'

TOWN OF NEW WINDSOR

Section No. 70

Plot Plan For Lot N^o 7-

- Genemark Enterprise Inc. Manor Homes -
Located at Vails Gate Town of New Windsor
Orange County - N.Y.

Portion of Sub-division Map Titled "Amior Homestead" Revised.
Dated Oct. 15, 1957. Recorded Orange County, Oct 29, 1957. Map No. 1730

Trux- Drive

Marshall Drive West.

206.44'
N-88°12'W-

5-88°12'E
95.41'

3,81.1-N

Lot No 7

110.0'
N-88°12'W

101.06
56.30.F

S-5° 43' W.

500.33

Broken Scale

NOT
Blooming Grove Turnpike ^{Route #94.}

Certified to The United Title and Guaranty Co. and
The First Federal Savings and Loan Assn. of New York That
This survey is correct and that The House as Shown in
Lot # 7 is located as indicated by this plat.

Theodore Jorgstiff Lic. Surveyor
AUG 110 11741- L.S.

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

94-9.

Date: 5/5/94

I. ✓ Applicant Information:

- (a) JOHN BARBARO 6 TRUEN DR NEW WINDSOR NY 5654882
(Name, address and phone of Applicant) (Owner)
- (b) SAME AS ABOVE
(Name, address and phone of purchaser or lessee)
- (c) N/A
(Name, address and phone of attorney)
- (d) SAME AS ABOVE
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
- ☒ Area Variance ☐ Interpretation

✓ III. Property Information:

- (a) R4 6 Truex DR. NEW WINDSOR 70-1-14 100X90
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? NA
- (c) Is a pending sale or lease subject to ZBA approval of this application? YES
- (d) When was property purchased by present owner? 1970
- (e) Has property been subdivided previously? NO
- (f) Has property been subject of variance previously? NO
If so, when? _____
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? NO
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: NO
- _____

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____
- _____

N/A
 (b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

N/A
 (c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

N/A
 (d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes____ No____.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

✓ V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of use/Bulk Regs., Col. G.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. _____	_____	_____
Reqd. Rear Yd. <u>40 Ft.</u>	<u>32 Ft.</u>	<u>8 Ft.</u>
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

* Residential Districts only

** No-residential districts only

✓ (b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

✓whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

Deck enhances property.

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: N/A.

(a) Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
	_____	_____	_____

(b) N/A Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation: N/A

(a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

(b) Describe in detail the proposal before the Board:

VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

IX. Attachments required:

- ☒ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- ☒ Copy of tax map showing adjacent properties.
- ☒ Copy of contract of sale, lease or franchise agreement.
- ☒ Copy of deed and title policy.
- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☒ Copy(ies) of sign(s) with dimensions and location.
- ☒ Two (2) checks, one in the amount of \$50.00 and the second check in the amount of \$292.00, each payable to the TOWN OF NEW WINDSOR.
- ☒ Photographs of existing premises from several angles.

X. Affidavit.

Date: 5/5/94.

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

John Barbary
(Applicant)

Sworn to before me this

5th day of May, 1994.

Patricia A. Barnhart

XI. ZBA Action:

PATRICIA A. BARNHART
Notary Public, State of New York
No. 01BA4904434
Qualified in Orange County
Commission Expires August 31, 1995.

(a) Public Hearing date: _____

(b) Variance: Granted (____) Denied (____)

(c) Restrictions or conditions: _____

_____.

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR
COUNTY OF ORANGE : STATE OF NEW YORK

-----X
In the Matter of Application for Variance of

John Barbaro,

Applicant.

AFFIDAVIT OF
SERVICE
BY MAIL

94-9.

-----X
STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age
and reside at 7 Franklin Avenue, New Windsor, N. Y. 12553.

On May 5, 1994., I compared the 50 addressed
envelopes containing the attached Notice of Public Hearing with
the certified list provided by the Assessor regarding the above
application for variance and I find that the addressees are
identical to the list received. I then mailed the envelopes in a
U. S. Depository within the Town of New Windsor.

Patricia A. Barnhart
Patricia A. Barnhart

Sworn to before me this
5th day of May, 1994..

Deborah Green
Notary Public

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4984085
Commission Expires July 15, 1995

(TA DOCDISK#7-030586.AOS)

Pls. publish immediately. Send bill to applicants below.

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 9

Request of John Barbaro

for a VARIANCE of the Zoning Local Law to permit:

existing deck w/ insufficient rear yard;

being a VARIANCE of Section 48-12 - Table of Use / Bulk.
Col. G

for property situated as follows:

6 Truex Drive, New Windsor, NY.

known as tax lot Section 70 Block 1 Lot 14.

SAID HEARING will take place on the 23rd day of May,
1994, at New Windsor Town Hall, 555 Union Avenue, New Windsor,
New York, beginning at 7:30 o'clock P. M.

James Nugent
Chairman

By: Patricia A. Barnhart, Secy.

This Indenture,

Made the ~~September~~ ^{10th} day of September
Nineteen Hundred and Seventy-five

Between JOHN BARBARO and THERESA BARBARO, husband and wife,
residing at 6 Truex Drive, New Windsor, New York,

parties of the first part, and
JOHN BARBARO, residing at 6 Truex Drive,
New Windsor, Orange County, New York,

party of the second part,
Witnesseth that the part of the first part, in consideration of

-----ONE----- Dollar (\$ 1.00)
lawful money of the United States, Actual Consideration,
paid by the part Y of the second part, do hereby grant and release unto the
part Y of the second part, his heirs and assigns forever, all
that certain plot, piece or parcel of land, with the buildings and
improvements thereon erected, situate, lying and being in the Town of
New Windsor, County of Orange, State of New York, being known and
designated as Lot No. 7 as shown on a certain map entitled, "Amor
Homes, Inc., Town of New Windsor, Orange County, N.Y.," made by
Sidney L. Horowitz, C.E., and filed in the County Clerk's Office of
Orange County on October 29, 1957, as Map No. 1730.

TOGETHER with an easement of right of way over the streets as shown
on the above map to the nearest public highway for the purpose of
ingress and egress to and from the aforescribed premises, reserving,
however, the right to dedicate said streets to the Town of New Windsor,
for highway purposes.

BEING and intended to be the same premises conveyed by Matilda Barbaro
to John Barbaro and Theresa Barbaro by deed dated July 31, 1970 and
recorded in the Orange County Clerk's Office in Liber 1353 of Deeds
at page 62.

SUBJECT TO and assuming the unpaid balance of a mortgage held by the
First Federal Savings of Long Island.

parties of the first part, and
JOHN BARBARO, residing at 6 Truex Drive,
New Windsor, Orange County, New York,

party of the second part,
Witnesseth that the part of the first part, in consideration of

ONE Dollar (\$ 1.00)
lawful money of the United States, Actual Consideration,
paid by the part y of the second part, do hereby grant and release unto the
part y of the second part, his heirs and assigns forever, all

that certain plot, piece or parcel of land, with the buildings and
improvements thereon erected, situate, lying and being in the Town of
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First Federal Savings of Long Island.

LIBER 2018 PG 715

R/R
Caro J. Salice
145 Main St.
Fishkill, N.Y.

Together with the appurtenances and all the estate and rights of the parties
of the first part in and to said premises,

To have and to hold the premises herein granted unto the party of the
second part, his heirs and assigns forever.

In Witness Whereof, the parties of the first part have hereunto set their
hands and seal the day and year first above written.

In Presence of

John W. Barber

William Barber

In Witness Whereof, the parties of the first part have hereunto set their hands and seal the day and year first above written.

In Presence of

John W. Barbaro

Theresa Barbaro



State of New York } On this 27 day of August
County of Dutchess } ss. Nineteen Hundred and seventy-five
before me, the subscriber, personally appeared

JOHN BARBARO

to me personally known and known to me to be the same person described in and
who executed the within Instrument, and he acknowledged
to me that he executed the same.

John A. Lewis

Notary Public

STATE OF NEW YORK)
COUNTY OF ORANGE) ss:

DANIEL J. SALESE
Notary Public, State of New York
Residing in Dutchess County
Commission expires March 30, 1976

On this 10th day of September, 1975, before me,
the subscriber, personally appeared THERESA BARBARO, to me personally
known and known to me to be the same person described in and who
executed the within Instrument, and she acknowledged to me that she
executed the same.

John A. Lewis

Notary Public

JEAN A. LEWIS
NOTARY PUBLIC, State of New York

Need

BARGAIN AND SALE

JOHN BARBARO and
TERESA BARBARO,

TO

JOHN BARBARO

Dated.

1975

Orange County Clerk's Office, s.s.

Recorded on the 30th day

of Sept. 1975 at 9:30

o'clock A.M. in Liber.

at page 715.

and Examined.

C. N. Winters
Clerk

CANIO J. SALESE

148 MAIN STREET

FISHKILL, N. Y. 12524

E
550

ORANGE
COUNTY
058071
REAL ESTATE
TRANSFER TAX
STATE OF
NEW YORK
20700
Chad

LIBER 2018 PG 717



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

50

May 2, 1993

John Barbaro
6 Truex Dr.
New Windsor, NY 12553

Re: 70-1-14

Dear Mr. Barbaro:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$65.00, minus your deposit of \$25.00. Please remit the **balance** of \$45.00 to the Town Clerk's office.

Sincerely,

L. Cook / (cd)

Leslie Cook
Sole Assessor

LC/cd
Attachments

cc: Pat Barnhart

Leonardo, Samuel
7 Dogwood Hills Road
Newburgh, NY 12550

House of Apache Properties LTD
52 Elm St.
Huntington, NY 11743

Windsor Enterprises, INC.
P.O. Box 928
Vails Gate, NY 12584

C. P. Mans
P.O. Box 247
Vails Gate, NY 12584

Bahri, Jamil & Motran, Jamal
16 Academy Ave.
Chester, NY 10918

Panella, Emilio
P.O. Box 473
Vails Gate, NY 12584

VG Maximus Inc.
c/o Joseph Pisani
203 Cambridge Ct.
New Windsor, NY 12553

Wneford, Lorene V. & Douglas John
16 Marshall Dr.
New Windsor, NY 12553

Driscoll, Micheal J. & Nancy L.
18 Marshall Dr.
New Windsor, NY 12553

Edwards, Ronald & Edna
20 Marshall Dr.
New Windsor, NY 12553

Harris, Benjamin & Bella
P.O. Box 780
Cornwall, New York 12518

Abrams, Harold & Yvonne B.
P.O. Box 462
Vails Gate, NY 12584

Reynolds, Larry
4 Truex Dr.
New Windsor, NY 12553

Lekis, Edward F. & Jo Ann M.
P.O. Box 204
Vails Gate, NY 12584

Vander Maas, Brian K. & Bridgette A.
12 Truex Drive
New Windsor, NY 12553

Fernandez, Michael A. & Michael R.
9 Truex Circle
New Windsor, NY 12553

Tosco, Salvatore & Carolina
7 Truex Circle
New Windsor, NY 12553

Bagarozzi, Michael & Grimalda Sanchez
18 Truex Dr.
New Windsor, NY 12553

Bencosme, Miguel & Barbara D.
16 Truex Dr.
New Windsor, NY 12553

Wynder, Jr. Kenneth N.
14 Truex Dr.
New Windsor, NY 12553

Gardner Plus 3
104 So. Central Ave.
Valley Stream, NY 11580

Slepoy, William & Andrew & Jacqueline & Gardner, Fred
c/o Slepoy/Gardner
104 So. Central Ave. Room 20
Valley Stream, NY 11580

Scheiner, Alan & Gale
20 Truex DR.
New Windsor, NY 12553

Broadnax, Christopher
22 Truex Dr.
New Windsor, NY 12553

Watkins, Brian K. & Trask, Kim L.
9 Marshall Dr.
New Windsor, NY 12553

Laboy, Humberto & Bessie Louise
7 Marshall Dr.
New Windsor, NY 12553

Eiras, Juan R. & Laura J.
5 Marshall Dr.
New Windsor, NY 12553

Melore, Philip M. & Christina M.
10 Truex Circle
New Windsor, NY 12553

De Sousa, Constantino
P.O. Box 4266
New Windsor, NY 12553

Knox Village Associates
2375 Hudson Terrace
Fort Lee, NJ 07024

Bonsell, John & Shirley
4 Marshall Dr.
New Windsor, NY 12553

Bridge Road Realty Corp.
RD #1, Box 34, Rt. 94
Salisbury Mills, NY 12577

Hughes, Wayne R.
P.O. Box 212
West Point, NY 10996

Vails Gate Methodist Church Inc.
c/o Treasurer
P.O. Box 37
Vails Gate, NY 12584

Worden, David A. & Marie A.
P.O. Box 134
Vails Gate, NY 12584

Brambury Associates
765 Elmgrove Road
Rochester, NY 14624

TGS Associates Inc.
15 East Market St.
Red Hook, NY 12571

Mans. & Miller Auto Center, Inc.
P.O. Box 247
Vails Gate, NY 12584

Shedden, Joan A.
Box 608A
Vails Gate, NY 12584

The Vails Gate Fire Company
P.O. Box 101
Vails Gate, NY 12584

Vails Gate Methodist Cemetery
P.O. Box 37
Vails Gate, NY 12584

Reed, Clarence & Zenobia B.
3 Truex Dr.
New Windsor, NY 12553

Vail, Raymond H. & Elizabeth R.
30 Marshall Dr.
New Windsor, NY 12553

Weed, Richard R. & Josephine
3 Kearney Dr.
New Windsor, NY 12553

Wray, Stanley Jr. & Kellyann P.
23A Gail Dr.
Nyack, NY 10960

Coakley, Dennis & Rose Ann
6 Kearney Dr.
New Windsor, NY 12553

Luongo, Angelo & Marian L. Buckheit
8 Kearney DR.
New Windsor, NY 12553

Russell, Julian & Virginia
15 Truex Dr.
New Windsor, NY 12553

Nevico, Howard C. & Margaret Q.
P.O. Box 92
13 Truex Drive
Vails Gate, NY 12584

Zaccardi, Joseph A. & Melody Gay
11 Truex Drive
New Windsor, NY 12553

BARBARO, JOHN

MR. TORLEY: Request for 8 ft. rear yard variance for existing deck at 6 Truex Drive in R-4 zone..

Mr. and Mrs. John Barbaro appeared before the board for this proposal.

MR. BARBARO: Apparently I'm eight foot short from the edge of my deck to the next property line which is the property that faces the Mann's Brothers off 94. It's pretty much a vacant lot, if you are familiar with it. And one of confusions I thought when I had the addition on the house it was included in the permit that the builder had. When I found out what he was going to charge me, I said I'll build it myself so consequently there was a confusion. Now I'm just trying to catch up since my house is up for sale, there's a binder on it, we'll probably close in the middle of June, hopefully, if we can clear this up. And that is probably an overestimate, it's probably closer to 5 feet. We measured from the edge of the deck to the edge of the property.

MR. TORLEY: We do ask you to be, you don't have to have it surveyed, but please be careful of the measurements and give yourself a little cushion. If you ask for 8 foot variance and it turns out you need 8 foot 6 inch variance, you have to start out all over again.

MR. KRIEGER: If it turns out you need an 8 foot 1 inch variance, you have to start over again. The Zoning Board can only act on the numbers that you apply for. They have no power to do anything else. So, however sympathetic they may be, if an error is made, they are legally powerless to do anything about that.

MR. BARBARO: Clearly understood.

MR. KRIEGER: Do other houses in the neighborhood have decks?

MR. BARBARO: Yes, one facing my house to the left has a deck attached to the house, Adrian's have a deck,

that is the house to my, the house to my immediate right does not.

MR. KRIEGER: When you come back when you address yourself to that variance, I'd appreciate it if you'd outline which houses around you have decks.

MR. BARBARO: You need the names of the people?

MR. KRIEGER: I don't care about the names of the people. I care about the location. We're trying to find out whether the board will have to make a determination as to whether this is consistent with the neighborhood or not. It's one of the things we'll have to decide.

MR. HOGAN: Take some photos from the back of your house, maybe from your deck facing to the rear.

MR. BARBARO: I'll do back, side, forward, left, you got it.

MR. TORLEY: Any other questions? I'll entertain a motion.

MR. KANE: So moved.

MR. LANGANKE: Second it.

MR. TORLEY: Motion that we set up Mr. Barbaro for a public hearing.

ROLL CALL

MR. HOGAN	AYE
MR. LANGANKE	AYE
MR. KANE	AYE
MR. TORLEY	AYE

MR. KRIEGER: The secretary is giving you procedural information which you want to look over. You'll be working with her on the procedure. I'm going to give you a sheet outlining the questions that the Zoning Board is going to have to legally ask. So if you would address yourself to those in order, as you make the

April 25, 1994

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presentation, it will be easier for them. If you have a copy of your deed, bring it. If you have a copy of a survey, bring it. Don't go out and and get one. If you happen to have it, bring it. I think that's about it. Pictures we have already mentioned.

MR. TORLEY: And again, talk to your neighbors. You're going to be sending out a notification to everybody, so people get something in the mail and wonder what's going on. Go back to them, let them know what you're trying to do.

MR. BARBARO: Thank you very much, appreciate your time.